

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)	
)	
of the Educator's Certificate of)	CONSENT ORDER OF SUSPENSION
)	
Shirlee S. Flud)	
)	
Certificate # 158908)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 11, 2003. On July 29, 2002, the State Department of Education (Department) sent a notice of hearing of the possible suspension or revocation of her South Carolina Educator's Certificate (certificate) to Mrs. Shirlee S. Flud by certified mail, restricted delivery, and return receipt requested. Mrs. Flud received this notice as evidenced by her request for a hearing dated August 4, 2002. Subsequent to this request, Mrs. Flud, through her attorney, L. Elaine Mozingo, Esquire, proposed to resolve this matter without a hearing by agreeing to the following terms: (1) her certificate will be suspended from the time of her suspension from employment on April 30, 2002, through August 1, 2002, (2) the suspension will be reported to the NASDTEC Clearinghouse and all school districts in South Carolina as a suspension on the grounds of unprofessional conduct, (3) this order will be maintained as a public record in the Office of General Counsel of the Department. After considering the evidence presented, the State Board voted to issue a Consent Order of Suspension on the terms set forth above.

Accepted:

Initial Here

Date:

Shirlee S.
Flud
#158908

FINDINGS OF FACT

Mrs. Flud holds a valid South Carolina certificate, and has over eleven years of teaching experience. During the 2001-2002 school year, Mrs. Flud was a teacher at Briggs Elementary School in Florence Country School District One (District). She resigned her position following an investigation into allegations that she violated test security procedures during the administration of the Palmetto Achievement Challenge Test (PACT) on April 29, 2002. At her request, her husband provided her via email the secure writing prompt for Day 2 of the PACT. Mrs. Flud admitted that she shared the

prompt with her students the day before it appeared on the test. The State Law Enforcement Division (SLED) was contacted by the District to investigate the allegations. A copy of the SLED report was shared with the Department and the Twelfth Circuit Solicitor. The Solicitor decided that criminal intent was not present and did not prosecute Mrs. Flud. Mrs. Flud is employed by the Lee County School District for the 2002-2003 school year. Mrs. Flud has stated she may have unintentionally violated some test security procedures and has agreed to accept this suspension on the conditions outlined above.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." Just cause includes: "unprofessional conduct", S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Ann. Regulation 43-58 (1992). The State Board finds that the preponderance of the evidence presented by the Department, supports its decision to accept the proposal of the parties to suspend Mrs. Flud's certificate. Accordingly, the Board hereby suspends Mrs. Flud's certificate # 158908 from April 30, 2002, through August 1, 2002, on the terms and conditions set forth above.

South Carolina State Board of Education

/S/ Greg Killian
Greg Killian
Chair

Columbia, South Carolina
February 11, 2003

I, Shirlee S. Flud, SC Teaching Certificate # 158908, do hereby agree to this Order of Suspension, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on Tuesday, February 11, 2003

1/23/03
Date

/S/ Shirlee S. Flud
Signature